

Riverside And Santa Ana Calendaring Instructions

To continue to aid in the mitigation of the spread of the COVID-19 virus and in light of the response of the Bar to continue virtual appearances, Judge Clarkson will continue to hold the majority of hearings by video; however, effective June 15, 2021, parties will have the option to request in-person hearings in Santa Ana by calling Chambers at 714-338-5460. Effective September 14, 2021, parties may utilize the self-calendaring system (detailed below) to self-calendar hearings by video or in-person, without contacting Chambers.

On virtual hearing days, the Santa Ana and Riverside courtrooms will be locked; parties must appear by telephone or video and will not be permitted to appear in the courtroom. Please see the separately published NOTICE OF VIDEO AND TELEPHONIC APPEARANCE PROCEDURES FOR JUDGE SCOTT CLARKSON'S CASES for specific procedures and further information.

On in-person hearing days, all parties appearing in the Santa Ana and Riverside courtrooms must wear face-coverings and adhere to social distancing measures, as outlined by the CDC. For any matter set for an in-person hearing in which any responding or interested party does not want to appear in-person, virtual appearances are permitted utilizing ZoomGov, unless otherwise ordered by the Court.

The calendaring system is designed to allow both counsel and parties to efficiently schedule hearing dates for matters heard on regular notice. Matters that do not require hearings may be filed in accordance with Local Bankruptcy Rule 9013-1(o)(1). Please refer to the appropriate Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules regarding the filing and service of motions.

Please note that the Judge's Calendar is color coded. **RIVERSIDE hearings are in BLACK, SANTA ANA hearings are in BLUE, and RIVERSIDE AND SANTA ANA TRIAL DATES are in GREEN.** Generally, commencing September 14, 2021, Riverside hearings conducted via ZoomGov are on Tuesdays, Santa Ana hearings conducted via ZoomGov are on Wednesdays, and in-person hearings for both Riverside and Santa Ana are conducted on Thursdays. The Judge's Trial week is available for either Riverside or Santa Ana hearings.

- I. The following matters **may not** be self-calendared:
 - A. Applications for orders shortening time
 - B. Matters heard on shortened notice or on an ex parte basis
 - C. Mass objections to claims (more than 5 objections set for a single hearing)
 - D. Motions for temporary restraining orders or preliminary injunctions
 - E. Status and Pre-trial conferences - all chapters
 - F. Trials in adversary proceedings
 - G. Reaffirmation agreements
 - H. Matters requiring more than 15 minutes
 - I. Motions for Summary Judgment
 - J. Prior to September 14, 2021, any matter in which a Movant desires an in-person hearing.

To obtain a hearing date for any of the above matters, counsel and parties are directed to identify available dates and times for the type of matter that you want to calendar by

referring to the monthly calendars posted on the Court's website and then to contact the Calendar Clerk or Chambers at 714-338-5460.

II. The following matters **may** be self-calendared:

RIVERSIDE CASES (Parties may choose to self-calendar for a ZoomGov appearance or an in-person appearance in Santa Ana):

ZoomGov: The following Riverside hearings should be noticed for ZoomGov, noting that the ZoomGov accessibility information will be provided by the Court in its tentative ruling prior to the hearing.

- A. Chapter 7 motions for relief from stay and Trustee's Final Reports:
Tuesdays at 10:00 a.m.
- B. Chapter 7 miscellaneous matters and Chapter 7 adversary proceedings:
Tuesdays at 11:00 a.m.
- C. Chapter 9 and 11 matters, including adversary proceedings and motions for relief from stay: Tuesdays at 1:30 p.m.

In-Person: Any Riverside matter for which a party desires an in-person hearing may be noticed for Thursdays at 10:00 a.m.

SANTA ANA CASES (Parties may choose to self-calendar for a ZoomGov appearance or an in-person appearance):

ZoomGov: The following Santa Ana hearings should be noticed for ZoomGov, noting that the ZoomGov accessibility information will be provided by the Court in its tentative ruling prior to the hearing.

- A. Chapter 7 motions for relief from stay and Trustee's Final Reports:
Wednesdays at 10:00 a.m.
- B. Chapter 7 miscellaneous matters and Chapter 7 adversary proceedings:
Wednesdays at 11:00 a.m.
- C. Chapter 11 matters, including adversary proceedings and motions for relief from stay: Wednesdays at 1:30 p.m.

In-Person: Any Santa Ana matter for which a party desires an in-person hearing may be noticed for Thursdays at 11:00 a.m.

NOTE: Before self-calendaring, refer to the separately published calendar for a list of available dates.

III. Certain motions for relief from stay may be heard on shortened time without a Court order.

The following categories **do not** require an application for order shortening time:

- A. ~~Residential-unlawful-detainer actions.~~ **Please note that the Court has temporarily removed this category from those matters which may be heard on shortened time without a court order. Movants may still seek shortened time by filing an Application for a hearing on shortened time, as set forth in LBR 9075-1.*
- B. Post-petition transfers of real property to the debtor.
- C. Pre-petition transfers to the debtor either within 30 days of the debtor's petition date or involving a fractionalized interest in real property.

- D. If the movant wishes to have a motion heard on shortened time and the motion is not in one of the above categories, the movant must apply for an order shortening time or utilize emergency motion procedures under Local Bankruptcy Rule 9075-1.

NOTE: Motions calendared on shortened time in accordance with this procedure must be filed with the Court and served on all parties entitled to receive notice of the motion so that the moving papers and notice of hearing are received not later than 10 days prior to the of the hearing. Telephonic notice of the date, time and place of the hearing on the motion must also be given to all parties entitled to receive notice not later than 10 days prior to the hearing. **IN ADDITION TO PROVIDING WRITTEN NOTICE, The MOVING PARTY MUST ALSO PROVIDE DIRECT TELEPHONIC NOTICE TO THE DEBTOR. IF THE MOVING PARTY IS UNABLE TO PROVIDE TELEPHONIC NOTICE TO THE DEBTOR DIRECTLY, THE MOTION MUST BE HEARD USING THE REGULAR NOTICE PROCEDURES AND MAY NOT BE HEARD ON SHORTENED TIME.**

For matters that may be self-calendared, follow the steps outlined below:

- STEP 1:** Identify available dates and times for the type of matter that you want to calendar by referring to the monthly calendars posted in the Judge's courtroom or on the Court's website (www.cacb.uscourts.gov) or by calling the Court's general information number (855) 460-9641 and selecting the menu options necessary to direct you to the calendaring information for Judge Clarkson. Also refer to the dates listed on the website.

NOTE: Calendar dates are subject to periodic revision, so please verify that you are referring to the current version of the Judge's monthly calendar.

- STEP 2:** Prepare a notice of hearing for the date and time you have selected.

NOTE: By choosing a date for a relief from stay hearing that is greater than 30 days from the date you file your motion, you are deemed to have waived the time limits of Bankruptcy Code Section 362(e).

- STEP 3:** Give sufficient notice of all matters to all parties entitled to receive such notice pursuant to the applicable provisions of the Local Bankruptcy Rules and Federal Rules of Bankruptcy Procedure. Schedule hearing dates according to Local Bankruptcy Rule 9013-1(d) notice requirements and time limits for service and filing of motions and Local Bankruptcy Rule 9013-1(i) regarding evidence supporting the motion. If proof of service is insufficient, the motion may be continued or denied.

NOTE: Notices pertaining to hearings utilizing ZoomGov should clearly indicate that accessibility information will be provided by the Court in its tentative ruling prior to the hearing, and direct parties to obtain such accessibility information on Judge Clarkson's posted

hearing calendar which may be viewed online at: <http://ecf-ciao.cacb.uscourts.gov/CiaoPosted/default.aspx>.

- STEP 4:** File and serve your moving papers in a timely manner. Deliver a Judge's copy (marked "Judge's Copy") of all papers to the Judge's chambers with the time and date of the scheduled hearing placed underneath the title of the pleading. **All Judge's copies shall be served in accordance with Local Bankruptcy Rule 5005-2(d) and Section 3-F and Appendix F of the Court Manual.** ***Please note that the Court has temporarily suspended this requirement for virtual hearings.*
- STEP 5:** Confirmation that your matter has been calendared will be sent back to you if you provide Intake with an extra copy of your notice and a self-addressed stamped envelope, or an entry will be made on the case docket scheduling the hearing. **The Court reserves the right to reschedule any hearing.** If the date you have selected is unavailable for any reason, the Calendar Clerk will either contact you to arrange an alternative date or make an entry on the case docket advising you how to proceed. You will be notified promptly either by an entry on the docket or by the Calendar Clerk if your hearing has been re-set.
- STEP 6:** Upload the order on LOU immediately following the hearing. **Do not lodge the proposed order prior to the hearing.** However, you are strongly encouraged to serve the proposed order on other parties to afford them an opportunity to review the order, or as otherwise required by the Local Bankruptcy Rules.

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